

REMARKS

Claims 1 to 52 were pending in the application at the time of examination. Claims 23 to 38 and 40 to 52 stand withdrawn.

Claim 39 is rejected as directed to non-statutory subject matter. Claims 1 to 22 and 39 stand rejected as anticipated.

Applicants have amended the description to remove the description of a signal in which the program is embodied for transmission.

Election/Restriction

The restriction requirement was made final. However, the action failed to address each of Applicants' Remarks and so is incomplete. Applicants noted that the restriction requirement was improper due to estoppel, an improper characterization of the claims, and failure to demonstrate an undue burden. Only one of these was necessary and since two of the three were not addressed the rejection should be withdrawn.

The rejection cited the estoppel remarks and stated:

This is not found persuasive because the previous actions are made by Kevin Lin, who is no longer with the Office. The current examiner finds that the restriction is proper because of the distinct inventions . . .

Applicants respectfully note that while Examiner Lin may no longer be with the Office, the Office is still bound by the prosecution history. A simple conclusory dismissal fails to address the substance of the remarks and so is incomplete with respect to the estoppel remarks.

Further, Applicants previously stated:

The restriction requirement mischaracterizes a structure claim, Claim 1, and a method claim, Claim 23, as being combination and subcombination. Such a characterization is error. The action has failed to

explain how a method claim can be a subcombination of a structure claim. The incorrect characterization as combination and subcombination is sufficient to have the rejection withdrawn.

Claim 23 is a process and Claim 1 is an apparatus for the practice of Claim 23. Therefore, not only has the requirement used an incorrect analysis of combination and subcombination, but also the requirement has mischaracterized the claims.

This alone also is sufficient to overcome the requirement. Moreover, the prosecution history contradicts the fact that there is a serious burden as required by the MPEP. Therefore, all claims should be considered. Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Priority

The action asserts that a certified copy of the priority document has not been filed. This is incorrect. PAIR shows that on December 31, 2001, a paper was received and entered by the USPTO indicating the priority document was enclosed. Also, on December 31, 2001, PAIR shows that a bound document, i.e., the priority document, was received by the USPTO. Also, enclosed is a copy of the information in Applicants' file that shows that the certified copy was sent and received by the USPTO. Accordingly, Applicants respectfully request reconsideration and withdrawal of the requirement to send a certified copy of the priority document. The evidence shows that the certified copy was sent and was received by the USPTO.

101 Rejection

Applicants respectfully submit that in view of the amendment of the Specification, this rejection is rendered moot. Accordingly, Applicants respectfully request

reconsideration and withdrawal of the § 101 rejection of Claim 39.

102 Rejection

Claims 1 to 22 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0091738 hereinafter referred to as Rohrabough.

Applicants respectfully traverse the anticipation rejection of each of Claims 1, 10 and 39. Applicants respectfully note that for an anticipation rejection, the MPEP requires:

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

MPEP § 2131, 8th Ed., Rev. 6, p. 2100-67, (September 2007).

Thus, the MPEP requires not only that Rohrabough must show the invention in as complete detail as recited in Claims 1, 10 and 39 but also, Rohrabough must have the elements arranged as required by these claims.

Rohrabough fails to meet these two criteria. For example, Claim 1 recites:

a proxy server having a code section including instructions for receiving a request for data from a client, and making a determination whether the requested data should be rendered before transmission to the client; and

a processing server coupled to the proxy server and having a code section including instructions for receiving the rendering determination from the proxy server,

rendering the requested data, and transmitting the rendered data to the client

Claim 1 recites a proxy server and a processing server, two distinct servers that are both distinct from "the client."

Moreover, Claim 1 recites specific characteristics for each of the two servers.

Specifically, the proxy server receives a request for data and makes a determination whether the data should be rendered before transmission to the client. The processing server receives the rendering determination from the proxy server, renders the requested data and transmits the rendered data to the client. Thus, according to Claim 1, when data must be rendered, a server, different from the server receiving the request from the client, does the rendering and then transmits the rendered data to the client.

In contrast, in Rohrabough, the server receiving the request from the client also does the translations as shown in Figs. 2A and 2B. Therefore, Rohrabough not only fails to anticipate the invention, Rohrabough teaches away from the invention. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 10 and 39.

Claims 2 to 8 depend from Claim 1. Claims 11 to 22 depend from Claim 10. Therefore, each of Claims 2 to 8 and Claims 11 to 22 distinguishes over Rohrabough for at least the same reasons as the independent claim from which they depend. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 8 and 11 to 22.

As noted above with respect to Claim 1 and herein incorporated by reference, the cited portions of Rohrabough failed to teach or suggest the operations performed by a **proxy server and a processing server**, as recited in Claim 23. Thus, Claims 23 and the claims dependent thereon distinguish over Rohrabough.

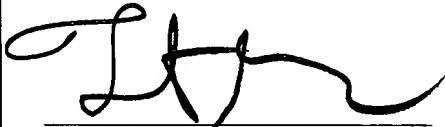
As noted above with respect to Claim 1 and herein incorporated by reference, Rohrbaugh failed to teach or suggest the operation performed by the processing server as recited in Claim 35. Thus, Claims 35 and the claims dependent thereon distinguish over Rohrbaugh.

With respect to Claim 40 and the claims dependent thereon, as noted with respect to Claim 1 and incorporated herein by reference, the proxy server authorizes the processing server to retrieve and render the data and to transmit the rendered data to the client. As noted above, Rohrbaugh fails to teach such a proxy server.

Claims 1 to 52 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 23, 2008.



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May 23, 2008
Date of Signature

Respectfully submitted,



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